

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Christophe GILBERT, et al.

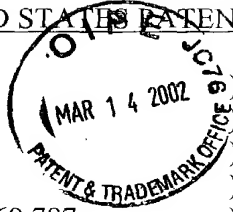
Application Number: 09/769,787

Filed: January 26, 2001

For: STREPTOCOCCUS PNEUMONIAE PROTEINS AND NUCLEIC ACID

Group Art Unit: 1645

Examiner: To Be Assigned



**PETITION FOR EXTENSION OF TIME AND
RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS AND
SUBMISSION OF SEQUENCE LISTING**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request a two-month extension of time under 37 C.F.R. §1.136(a) for responding to the Notification of Missing Requirements mailed November 14, 2001, in the above-identified patent application. Please note applicants are claiming small entity status as a small business concern. A check to cover the small entity fee for a two-month extension of time is enclosed herewith. Accordingly, the period for response is extended to run until March 14, 2002.

In response to the attached U.S. Patent and Trademark Office Notification of Missing Requirements mailed November 14, 2001, Applicants submit herewith the executed Declaration and Power of Attorney for Patent Application, Verified Statement (Declaration) Claiming Small Entity Status Small Business Concern, excess claims fee, multiple dependent claim fee and surcharge for late filing for the above-captioned patent application.

Applicants also enclose herewith a compact disc copy of a properly formatted Sequence Listing in accordance with the requirements of 37 C.F.R. § 1.824 (a)(b), for inclusion in the subject application. In accordance with 37 C.F.R. § 1.821(f) the undersigned hereby states that the sequence listing information recorded on the computer readable form is identical to the written sequence listing.

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200.00 DP

The fees are, therefore, calculated as follows:

Basic Filing Fee	\$370.00
Multiple dependent claim fee	\$140.00
Additional Claims fee	18.00
Additional Independent Claims Fee	336.00
Late Filing Surcharge	65.00
Two-Month Extension of Time	<u>200.00</u>

TOTAL FEE AMOUNT \$ 1,129.00

A check in the amount of \$1,129.00 is enclosed. In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any difference to the undersigned's Deposit Account No. 50-1640.

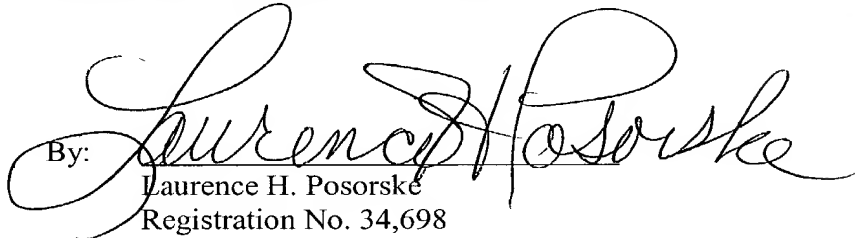
Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

March 14, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D C 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/769,787	01/26/2001	Christophe Francois Guy Gilbert	031855.0001B

CONFIRMATION NO. 4454

26118
BROBECK, PHLEGER & HARRISON, LLP
ATTN: INTELLECTUAL PROPERTY DEPARTMENT
1333 H STREET, N.W. SUITE 800
WASHINGTON, DC 20005

FORMALITIES LETTER



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Date Mailed 11/14/2001

01 FC:201	370.00 OP
02 FC:202	336.00 OP
03 FC:203	18.00 OP
04 FC:204	140.00 OP
05 FC:205	65.00 OP

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NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 OP
02 FC:202	336.00 OP
03 FC:203	18.00 OP
04 FC:204	140.00 OP
05 FC:205	65.00 OP

Filing Date Granted

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An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1044
 - \$54 for 3 total claims over 20
 - \$720 for 9 independent claims over 3
 - \$270 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter
- The balance due by applicant is \$ 1884.**

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01 FC:201	370.00 OP
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03 FC:203	18.00 OP
04 FC:204	140.00 OP
05 FC:205	65.00 OP

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment

- Abstract must be on a separate sheet.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is


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identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE